

EXHIBIT B

Firearm Discharge Situations

202.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase the Department's and/or an officer's civil or criminal liability in any way. Violations of this policy can only form the basis for departmental administrative actions.

202.1.1 POLICY

It is the policy of this department to resort to the use of a firearm when it reasonably appears to be necessary under the circumstances.

- (a) An officer has no duty to retreat and is only justified in using deadly force against another when and to the extent the officer reasonably believes the deadly force is immediately necessary to (Tex. Penal Code § 9.51(c) and (e)):
 - 1. Protect himself or others from what he reasonably believes would be an imminent threat of death or serious bodily injury.
 - 2. Make an arrest or to prevent escape after arrest when the officer has probable cause to believe that:
 - (a) The subject has committed or intends to commit an offense involving the infliction or threatened infliction of serious bodily injury or death; or
 - (b) The officer reasonably believes that there is an imminent or potential risk of serious bodily injury or death to any other person if the subject is not immediately apprehended.
- (b) To stop a dangerous and aggressive animal:
 - (a) In circumstances where officers encounter any animal which reasonably appears, under the circumstances, to pose an imminent threat of bodily injury to officers or others, officers are authorized to use objectively reasonable force up to and including deadly force (when lesser means would be impractical) to neutralize the threat.
 - (b) In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g., dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g., fire extinguisher, TASER Device, oleoresin capicum (OC) spray, assistance of animal control). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impracticable.
 - (c) In the event force is used against an animal by an officer and the animal is injured or there is a reasonable belief the animal was injured, regardless of whether visible

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injury exists, officers shall make a reasonable attempt to ensure the animal receives care for its' injuries. This may include but is not limited to:

- (a) Contacting the owner to arrange private treatment in an appropriate time frame.
 - (b) Contacting Animal Control to have the animal collected and treated
 - (c) Arranging transport of the animal to a veterinary facility
 - (d) Transporting the animal to a veterinary facility
- (c) With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impracticable.
- (d) For target practice or recreational shooting at an approved range or any area where firing a weapon would be safe and not a violation of law.

Where feasible, a warning should be given before an officer resorts to deadly force as outlined (a), (b) or (c) above. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible.

202.1.2 WARNING SHOTS

Warning shots are prohibited.

202.1.3 MOVING VEHICLES

Disabling a vehicle by use of a firearm will only be attempted by units specially trained in and equipped for this tactic and only under extraordinary circumstances. Officers who utilize a firearm against a vehicle or operator of a vehicle must meet the same standards established in 202.1.1 (a) above.

- (a) Officers shall exercise good judgment and will not place themselves in the path of a moving vehicle since doing so may increase the likelihood of having to resort to the use of deadly force.
- (b) Unless it reasonably appears that it would endanger officers or the public, officers will move out of the path of any approaching vehicle.
- (c) When encountering a vehicle being operated in a threatening manner, officers may leave a position of cover only:
 - 1. to utilize an avenue of escape
 - 2. move to a position of better cover, or
 - 3. if the need to apprehend the suspect outweighs the danger that the apprehension would impose to the officer or any other person.

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- (d) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.

202.1.4 DISPLAY OF FIREARMS

Firearms may be readied for use in situations where it is anticipated they may be required. Firearms shall not be displayed or pointed in a threatening or intimidating fashion unless it is objectively reasonable to believe there is a substantial risk that the situation may escalate to the point where deadly force would be permitted. Firearms shall be secured or re-holstered as soon as reasonably practicable when it is determined that deadly force is no longer necessary.

202.2 REPORT OF INTENTIONAL FIREARM DISCHARGE AGAINST A PERSON

For any intentional firearm discharge against a person, regardless of whether the person is hit, the incident shall be handled as a Level 1 Force Incident and the employee shall comply with the reporting procedures prescribed in Policy 211 (Response to Resistance Inquiry, Reporting and Review).

202.3 REPORT OF INTENTIONAL FIREARM DISCHARGE AGAINST AN ANIMAL

This section is written to cover the reporting procedures for the following situations:

- (a) The humane destruction of a seriously injured animal.
- (b) In defense against an attacking or dangerous animal.

202.3.1 REPORTING A FIREARM DISCHARGE FOR THE HUMANE DESTRUCTION OF A SERIOUSLY INJURED ANIMAL

The following reporting guidelines shall be followed for the humane destruction of a seriously injured animal or an attacking or dangerous animal.

- (a) Employees who need to destroy a seriously injured animal for humane reasons shall first request approval from a supervisor.
- (b) Employees shall complete an incident report entitled Injured Animal Firearm Used (Title Code 3449-7). The incident report should detail the circumstances requiring the animal's destruction. The authorizing supervisor should be identified in this report.
- (c) Supervisors who approves the destruction shall:
 - 1. Add a comment in the CAD call notating their notification and approval.
 - 2. Send e-mail notifications with the incident report number prior to the end of the tour of duty to the:
 - (a) Involved employee's chain of command up to the lieutenant.

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3. Review the primary reporting employees' incident report and add a Versadex case note to the report to document they were notified, if they responded to the scene, and whether they have reviewed the incident
- (d) Each level of the chain-of-command, up to the lieutenant, shall review the incident and complete a case note to document their review. In the event the reviewing lieutenant identifies concerns with the destruction, he/she will notify the commander.
- (e) The chain-of-command shall determine what, if any, corrective action is needed.
- (f) Employees are not required to be placed on restricted duty.

202.3.2 REPORTING A FIREARM DISCHARGE AGAINST A DANGEROUS AND THREATENING ANIMAL

The following reporting guidelines will be followed for the destruction of a dangerous or attacking animal.

- (a) Employees who destroy an attacking or dangerous animal will notify their supervisor or another on-duty supervisor in the absence of their immediate supervisor, as soon as practical.
- (b) The supervisor, or designated acting supervisor, will respond to the scene and conduct an on-scene investigation of the incident, interview witnesses, and insure digital photographs are taken and downloaded into the Digital Crime Scene Management System.
- (c) The involved employee(s) are required to complete an incident report entitled Dangerous Animal - Firearm Used (3434-7) detailing the event and the reason(s) for selecting deadly force over other force options..
- (d) Investigating supervisors will complete a supplement to the incident report detailing their investigation and findings.
- (e) The investigating supervisor will notify, via e-mail, each member of the involved employee's chain of command up to the assistant chief when the investigation is ready for review. This notification will include the incident report number. Each member of the chain-of-command through the assistant chief shall add a Versadex case note to the incident report indicating they have reviewed the incident.
- (f) The chain-of-command will determine what, if any, corrective action is needed.
- (g) Employees are not required to be placed on restricted duty.

202.4 REPORT OF UNINTENTIONAL FIREARM DISCHARGE

This section is written to cover the reporting procedures for the following unintentional firearm discharge situations:

- (a) While at the APD firearms range.

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- (b) While at an approved firearms training site.
- (c) While on-duty.
- (d) While off-duty.

202.4.1 REPORTING OF UNINTENTIONAL FIREARM DISCHARGE WHILE AT THE APD FIREARMS RANGE OR APPROVED FIREARMS TRAINING SITE

The following reporting guidelines will be followed when an employee discharges a firearm unintentionally while at the APD firearms range or approved firearms training site.

DEFINITIONS:

Unintentional Discharge- The discharge of a firearm that the shooter did not intend to occur.

Preventable Discharge- An unintentional discharge that constitutes a gross deviation from Department training received prior to the incident or a discharge which exhibits a failure to exercise the care that a reasonably prudent employee would have exercised in similar circumstances.

- (a) If the result is death or injury to another then the incident will be handled as a Level 1 force incident. Refer to Policy 211 (Response to Resistance Inquiry, Reporting and Review).
- (b) If there is no injury or the injury is only to self:
 1. Employees will report the discharge immediately to range personnel and request emergency medical assistance if needed.
 - (a) The Learned Skills sergeant will be notified immediately.
 - (b) Employees may be immediately disqualified and placed on restricted duty depending on the severity of the incident.
 2. The Learned Skills Unit will:
 - (a) Notify the involved employee's immediate supervisor regarding the incident.
 - (b) The training instructor will completed an UD/PD form and forward it to the Learned Skills Sergeant.
 - (c) The Learned Skills Sergeant will review the UD/PD form and make the determination on whether the firearms discharge was unintentional or preventable. He/she will prepare a memorandum addressed to the employee's immediate supervisor regarding the incident and send a copy to the Learned Skills Lieutenant.
 3. If the discharge is determined to be unintentional the employee's chain-of-command will handle the inquiry.
 4. If the discharge is determined to be preventable the incident will be handled as a Class B Investigation as outlined in Policy 902 (Administrative Investigations):

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- (a) The Learned Skills Lieutenant will review the prepared memorandum and complete an Internal Affairs complaint and forward it to Internal Affairs.
- 5. The incident will be reviewed by the Force Review Board after the internal investigation is complete.

202.4.2 REPORTING OF UNINTENTIONAL FIREARM DISCHARGE WHILE ON-DUTY

The following reporting guidelines will be followed when an on-duty employee discharges a firearm unintentionally anywhere other than at the APD firearms range.

- (a) If the result is death or injury to another then the incident will be handled as a Level 1 force incident. Refer to Policy 211 (Response to Resistance Inquiry, Reporting and Review).
- (b) If there is no injury:
 - 1. Employees will report the situation immediately and request their immediate supervisor to respond to the scene.
 - 2. Employees may be placed on restricted duty.
 - 3. The incident will be handled as a Class B Investigation as outlined in Policy 902 (Administrative Investigations):
 - (a) An incident report will be completed and witness statements taken. Digital photos will be taken and downloaded into the Digital Crime Scene Management System.
 - (b) The employee's immediate supervisor has investigative responsibility for the incident. If the immediate supervisor is not available, an on-duty lieutenant from the employee's assigned area will designate an on-duty supervisor to investigate the incident.
 - (c) The employee's chain-of-command will determine what, if any, corrective action is needed.
 - 4. The incident will be reviewed by the Force Review Board after the internal investigation is complete.

202.4.3 REPORTING OF UNINTENTIONAL FIREARM DISCHARGE WHILE OFF-DUTY

The following reporting guidelines will be followed when an off-duty employee discharges a firearm unintentionally anywhere other than at the APD firearms range.

- (a) If the result is death or injury to another then the incident will be handled as a Level 1 force incident. Refer to Policy 211 (Response to Resistance Inquiry, Reporting and Review).
- (b) If there is no injury:
 - 1. Employees will report the situation immediately and request an on-duty supervisor to respond to the scene.

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2. Employees may be placed on restricted duty.
3. The incident will be handled as a Class B Investigation as outlined in Policy 902 (Administrative Investigations):
 - (a) An incident report will be completed and witness statements taken. Digital photos will be taken and downloaded into the Digital Crime Scene Management System.
 - (b) The employee's immediate supervisor has investigative responsibility for the incident. If the immediate supervisor is not available, an on-duty lieutenant from the employee's assigned area will designate an on-duty supervisor to investigate the incident.
 - (c) The employee's chain-of-command will determine what, if any, corrective action is needed.
4. If the incident occurs out of city, the proper law enforcement authority having jurisdiction must be notified. The employee's supervisor will coordinate the investigation with the responsible agency.
5. The incident will be reviewed by the Force Review Board after the internal investigation is complete.

Leg Restraint Device

204.1 PURPOSE AND SCOPE

The proper use and application of a leg restraint device can reduce the potential of injury and damage to property when dealing with violent or potentially violent subjects. This policy provides guidelines for the proper use of these devices.

204.1.1 PHILOSOPHY

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. A leg restraint device should only be used when officers reasonably believe it is necessary to augment other restraints while performing their lawful duties; a leg restraint device is never to be used as punishment.

204.2 POLICY

When an officer encounters circumstances where it reasonably appears necessary to restrain the legs to prevent escape or restrain a violent or potentially violent subject during the course of a detention, arrest, and/or transportation, only Department approved RIPP Hobble or Ankle/Leg Iron restraint devices shall be used and only in the Department approved manner for temporary immobilization of the legs.

Patrol sergeants and corporals will be assigned leg irons as part of their issued equipment on their personal inventory list. When the sergeant or corporal is no longer assigned to a patrol shift they will return the leg iron to Police Equipment.

204.3 AUTHORIZED USE

- (a) Only those officers trained in the use of the leg restraint device are authorized to employ it on any subject.
- (b) The leg restraint device shall only be used after a subject has been handcuffed.
- (c) In determining whether to use a leg restraint device, officers should consider the following:
 - 1. If the officer and/or others are subject to harm due to the assaultive behavior of a violent, resisting, and/or attacking subject.
 - 2. If it is objectively reasonable to protect the subject from his own actions (e.g., hitting his head against the interior of the Patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

204.4 PROCEDURE

The leg restraint device is designed to reduce the likelihood of injury to the restrained subject or others, and to reduce the likelihood of property damage caused by the restrained subject by preventing him from using his legs in a manner likely to result in injury or damage. The following guidelines shall be used when applying a leg restraint device:

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- (a) If practicable, officers should notify a supervisor of the intent to apply the restraint. In all cases, a supervisor shall be notified as soon as practicable after the application of the restraint and the name of that supervisor shall be noted in a report or supplement.
- (b) This device shall not be used to hog tie. Once the subject's legs have been bound, the safety clip of a restraint shall not be attached to the chain of the handcuffs.
- (c) Absent a medical emergency, the subject being restrained shall remain restrained until the officer arrives at the jail or other facility or the subject no longer poses a threat.
- (d) Once secured, the subject should be placed in a seated or upright position. Subjects shall not be placed on their stomach for an extended period as this may potentially reduce their ability to breathe.
 - 1. The restrained subject should be constantly watched by an officer while in the restraint. The officer is to ensure the subject does not roll onto and remain on his stomach.
 - 2. The officer should look for signs of labored breathing and, where practicable, take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
 - 3. In the event that it appears reasonably necessary to restrain a subject in such a position that the subject's ability to sit upright is restricted, an officer should monitor the subject in an effort to minimize restricted breathing. The subject should be placed in an upright position as soon as it reasonably appears safe and practicable.

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Control Devices and Techniques

206.1 PURPOSE AND SCOPE

In an effort to reduce and minimize altercation related injuries to officers, the public and subjects, the Department authorizes the use of selected control devices. These control devices are approved in order to control violent or potentially violent subjects. It is anticipated that the use of these devices will generally result in fewer altercation related injuries to officers and subjects. The policy below is for the use and maintenance of control devices.

206.1.1 PHILOSOPHY

The use of control devices upon a subject by an officer shall only occur when the officer, while in the performance of his lawful duties, reasonably believes it necessary to gain control of the subject.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use lawful and objectively reasonable force and protect the public welfare requires a careful balancing of all human interests.

206.2 CONTROL DEVICES AND TECHNIQUES OVERVIEW

206.2.1 WHEN DEVICES MAY BE USED

When a decision has been made to control, restrain or arrest a violent, threatening or escaping subject, an approved control device may only be used when its use appears objectively reasonable under the circumstances.

206.2.2 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device and/or technique shall be documented as prescribed by Policy 211 (Response to Resistance Inquiry, Reporting and Review).

206.2.3 APPROVED CONTROL DEVICES

Only Department issued or approved control devices and munitions shall be carried. Only Department approved modifications may be made to any control device.

(a) The control devices approved by the Department are:

1. Baton and/or Impact Weapons (long, short, side-handle or expandable).
2. Chemical Agents (Oleoresin Capsicum (OC) spray).
3. Kinetic Energy Projectiles and their delivery systems.
4. TASER Device - See Policy 208 (TASER® Guidelines).

(b) Every control device shall be periodically inspected by the employee's supervisor or the designated instructor for a particular control device. All daily inspections, routine maintenance, charging and cleaning shall remain the responsibility of the employee assigned the device.

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- (c) All damaged, inoperative, or expended control devices shall be returned to the Property Control Office for disposal, repair and/or replacement.

206.2.4 TRAINING FOR CONTROL DEVICES

- (a) Only employees trained and certified in the use of a specified control device are authorized to carry and/or use that device. Proficiency training must be monitored and documented by a certified device, weapons, or tactics instructor.
- (b) Civilian employees may use issued chemical agents for self-defense only. Recertification for chemical agents issued to civilian employees shall occur annually.
- (c) Officers shall re-certify annually for all control devices they have been previously approved to carry with the exception of the TASER®. Recertification for the TASER® shall follow the guidelines set forth in Policy 208 (TASER® Guidelines).
- (d) All formal training and proficiency for control devices shall be documented in the employees' training file.
- (e) Employees failing to demonstrate proficiency with a device shall be provided remedial training. Employees failing to pass remedial training shall not be permitted to carry the device and may be subject to other provisions prescribed by the Training Division.

206.3 BATON AND IMPACT WEAPON GUIDELINES

The baton and/or an impact weapon is authorized for use when, based upon the circumstances perceived by the officer, such force reasonably appears justified and necessary to result in the safe control of a subject.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury. The head, neck, spine and groin should not be intentionally targeted except when the officer has an objectively reasonable belief the subject may cause serious bodily injury or death to the officer or others.

206.4 CHEMICAL AGENT GUIDELINES

Chemical agents are devices used to minimize the potential for injury to employees, offenders, or other subjects. They should be used only in situations where such force reasonably appears necessary.

- (a) Authorized employees may use chemical agents when the application of the chemical agent is objectively reasonable to subdue or control:
 - 1. A violent or physically resisting subject.
 - 2. A subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm employees, himself, or others.

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- (a) Employees should give a verbal warning followed by a reasonable opportunity to voluntarily comply when practicable.
 - (b) Employees must be able to articulate their use of the chemical agent.
- 3. Apprehend a subject fleeing lawful arrest or detention.
- 4. There is a reasonable expectation that it will be unsafe for employees to approach within contact range of the subject.

206.4.1 PROHIBITED USES

The following are prohibited uses of chemical agents:

- (a) To torture, psychologically torment, elicit statements or inflict undue pain on any individual.
- (b) Horseplay or practical jokes.
- (c) Demonstrations without the permission of a supervisor.
- (d) When a subject exhibits **only** verbal and/or passive resistance to arrest or authority.
- (e) When a subject is under physical restraint unless the subject is still aggressively resisting and lesser means of controlling the subject have failed.

206.4.2 CARRYING OF OLEORESIN CAPSICUM SPRAY

Uniformed employees carrying the OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field employees may carry the OC spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

206.4.3 TREATMENT FOR CHEMICAL AGENT EXPOSURE

Subjects who have been affected by the use of chemical agents should be afforded means of cleansing the affected areas as soon as practicable. Those subjects who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

206.4.4 TRANSPORTING OF PRISONERS SUBJECTED TO CHEMICAL AGENT EXPOSURE

When transporting prisoners who have been subjected to chemical agents, officers shall ensure that the prisoner stays upright with a clear airway and is not placed in a prone position to avoid possible positional asphyxia. Officers must be especially careful when tightly restraining combative subjects following the use of chemical agents.

Before booking, officers shall advise jail personnel when a prisoner has been subjected to chemical agents.

206.5 KINETIC ENERGY PROJECTILES

This department is committed to reducing the potential for violent confrontations when such subjects are encountered. Kinetic energy projectiles are less likely to result in death or serious physical injury.

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Kinetic energy projectiles are approved by the Department and are fired from 12 gauge shotguns that are clearly identified as less lethal shotguns. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

206.5.1 DEPLOYMENT

Approved munitions are justified and may be used in an effort to compel individuals to cease their actions when such munitions present a reasonable option for resolving the situation at hand.

- (a) Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officers determine that deployment of these munitions cannot be deployed safely.
- (b) The safety of hostages, innocent subjects and officers takes priority over the safety of subjects engaged in perceived criminal or suicidal behavior.

206.5.2 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

Examples include, but are not limited to, the following types of situations where the subject:

- (a) Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) Has made credible threats to harm himself or others.
- (c) Is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers, creating a risk for injury.
- (d) There is reasonable suspicion to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders.

206.5.3 ADDITIONAL DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider the following factors:

- (a) The subject's capability to pose an imminent threat to the safety of officers or others.
- (b) Whether the subject is actively resisting arrest or attempting to evade arrest by flight.
- (c) The credibility of the subject's threat as evaluated by the officers present, and the subject's physical capacity/capability to carry out the threat.
- (d) The availability of other force options and their possible effectiveness.
- (e) Distance and angle to target.
- (f) Type of munitions employed.
- (g) Type and thickness of subject's clothing.
- (h) The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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206.5.4 SHOT PLACEMENT AND DEPLOYMENT DISTANCES

Officers should generally follow their training instructions regarding minimum deployment distances and target areas. The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death.

The head and neck should not be intentionally targeted, however any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death to officers or others.

206.6 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has an objectively reasonable belief that the use of such a technique appears necessary to further a legitimate law enforcement purpose.

- (a) Officers should consider the following when using pain compliance techniques:
 - 1. The potential for injury to the officers or others if the technique is not used.
 - 2. The potential for serious injury to the individual being controlled.
 - 3. Whether the pain compliance technique is effective in achieving an appropriate level of control.
 - 4. The nature of the offense involved.
 - 5. The level of resistance of the individual(s) involved.
 - 6. The need for prompt resolution of the situation.
 - 7. If time permits (e.g., passive demonstrators), other reasonable alternatives.
- (b) The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved or other more appropriate alternatives can reasonably be utilized.

206.6.1 USE OF FORCE TO SEIZE EVIDENCE

- (a) Pressure point techniques are the maximum amount of force authorized to seize evidence (e.g., narcotics) when there is probable cause to believe it is being held or hidden in the mouth of a subject.
- (b) Soft/empty hand control is the maximum amount of force authorized to seize blood from a subject pursuant to a mandatory blood draw.

TASER Device Guidelines

208.1 PURPOSE AND SCOPE

The TASER® is intended to control a violent or potentially violent individual while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

208.1.1 PHILOSOPHY

The use of a TASER Device upon a subject by an officer shall only occur when the officer, while in the performance of his lawful duties, has an objectively reasonable belief that it is necessary to gain control of the subject.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use lawful and objectively reasonable force to protect the public welfare requires a careful balancing of all human interests.

208.2 POLICY

Personnel who have completed department approved training may be issued a TASER Device for use during their current assignment. Personnel leaving a particular assignment may be required to return their issued device to the Department's inventory.

Officers shall only use the TASER Device and cartridges that have been issued by the Department. If an officer is issued a TASER®, the device must be carried as a part of a uniformed officer's equipment in an approved holster.

- (a) When the TASER Device is carried as a part of a uniformed officer's equipment, the TASER Device shall be carried on the side opposite from the duty weapon.
- (b) All TASER Devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (c) Whenever practicable, officers should carry a total of two or more TASER Device cartridges on their person while carrying a TASER Device.

208.3 VERBAL WARNINGS

A verbal announcement of the intended use of the TASER Device should precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

- (a) The purpose of the warning is for the following:
 - 1. Provide the individual with a reasonable opportunity to voluntarily comply.
 - 2. Provide other officers and individuals with warning that a TASER Device may be deployed.
- (b) The aiming laser should never be intentionally directed into the eyes of another.

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- (c) The fact that a verbal and/or other warning was given, or the reasons it was not given, shall be documented in any related reports, as well as any responses by the subject.
- (d) When given, the verbal warning should be "TASER, TASER, TASER" to prevent any confusion as to which weapon system is being deployed.

208.4 USE OF THE TASER DEVICE

As with any law enforcement equipment, the TASER Device has limitations and restrictions requiring consideration before its use. The TASER Device should only be used when its operator can safely approach the subject within the operational range of the TASER Device. Although the TASER Device is generally effective in controlling most individuals, officers should be alert to the potential for failure and be prepared with other options.

Generally, an assisting officer should be present with lethal cover in the event the TASER Device is ineffective or defective and the subject initiates a potentially life threatening confrontation.

Officers should never hold both a firearm and the TASER device at the same time.

208.4.1 APPLICATION OF THE TASER DEVICE

Authorized personnel may use the TASER Device when circumstances known to the officer at the time indicate that such application is objectively reasonable to control a subject in any of the following circumstances:

- (a) Apprehend a subject fleeing lawful arrest or detention.
- (b) A violent or physically resisting subject.
- (c) There is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.
- (d) A subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm officers, himself, or others.
 - 1. Officers should give a verbal warning of the intended use of the TASER Device followed by a reasonable opportunity for the subject to voluntarily comply, when practicable.
 - 2. Officers must be able to articulate their use of the TASER Device in an incident report.

208.4.2 PROHIBITED USES

The following are prohibited uses of the TASER Device:

- (a) The TASER Device shall not be used to torture, psychologically torment, elicit statements or to punish any individual.
- (b) Horseplay or practical jokes.
- (c) Demonstrations, without the permission of a supervisor.

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- (d) Against passively resisting subjects.
- (e) Individuals who are covered in, or in close proximity to, any combustible material.

208.4.3 SPECIAL DEPLOYMENT CONSIDERATIONS

- (a) The use of the TASER Device should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the TASER Device.
 - 1. Obviously pregnant females.
 - 2. Elderly individuals or obvious juveniles.
 - 3. Individuals who are handcuffed or otherwise restrained.
 - 4. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).
- (b) Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of excited delirium (e.g., nudity, profuse sweating, irrational behavior) may be more susceptible to collateral problems and should be closely monitored following the application of the TASER Device until they can be examined by paramedics or other medical personnel.
- (c) Because the application of the TASER Device in the drive-stun mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised. The application in drive-stun mode should be limited to brief applications in which pain compliance would reasonably appear necessary to achieve control.

208.4.4 TARGETING CONSIDERATIONS

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the TASER Device darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he is released to the care of paramedics or other medical personnel.

208.4.5 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Only one officer shall deploy his TASER Device on an individual unless it is obvious the deployment was not effective.

- (a) If the first application of the TASER Device appears to be ineffective in gaining control of an individual and if circumstances allow, the officer should consider the following before additional application of the TASER Device:

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1. Whether the probes or darts are making proper contact.
 2. Whether the application of the TASER Device is interfering with the ability of the individual to comply.
 3. Whether other options or tactics may be more effective.
- (b) This does not preclude an officer from multiple, reasonable applications of the TASER Device on an individual.

208.4.6 REPORT OF USE

All TASER Device discharges shall be documented in the related incident report/supplements and notification made to a supervisor in compliance with Policy 211 (Response to Resistance Inquiry, Reporting and Review).

- (a) Specific information on the use of a TASER Device should include, but is not limited to, the following:
1. Articulate reasons for the use of the TASER Device.
 2. Information on the type of individual who was subject to the TASER Device (e.g., age, sex, health conditions).
 3. Any special circumstances surrounding the use of the TASER Device (e.g., handcuffed prisoner).
 4. Whether one or both of the TASER Device darts penetrated a subject's clothing and/or skin.
 5. How many applications/cycles of the TASER Device were used.
 6. Whether the TASER Device application was successful.
 7. How many cartridges were used.
 8. Serial numbers of any used cartridge(s).
 9. Whether multiple officers used the TASER Device.
 10. Any pain compliance use of the TASER Device (e.g., drive stun).
- (b) The on-board TASER Device memory will be downloaded through the data port by a supervisor and saved with the related incident reports.
- (c) Photographs of probe sites should be taken, Anti-Felon Identification (AFID) tags should be collected and the expended cartridge along with both probes shall be submitted into evidence for future reference. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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208.5 MEDICAL TREATMENT

Officers will remove TASER Device darts as trained once the subject is in custody. Used TASER Device darts shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly.

All subjects who have been struck by TASER Device darts or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, an individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The subject is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The subject may be pregnant.
- (c) The subject reasonably appears to be in need of medical attention.
- (d) The TASER Device darts are lodged in a sensitive area (e.g., groin, female breast, near the eyes).
- (e) The subject requests medical attention.

Subjects who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, imperviousness to pain (sometimes called "excited delirium") or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or the interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the TASER Device. All subjects shall be evaluated by the jail nurse prior to booking.

208.6 TRAINING

In addition to the initial department-approved training required to carry and use a TASER Device, all employees carrying a TASER Device shall demonstrate proficiency annually.

- (a) Employees who have not carried a TASER Device as a part of their assignment for a period of six months or more shall be recertified by a department approved TASER Device instructor prior to again carrying or using the device.
- (b) A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training commander.